

SEALED

AO 91 (Rev. 11/11) Criminal Complaint

FILED**UNITED STATES DISTRICT COURT**

for the

Western District of Texas

JUL 24 2019

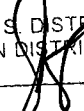
United States of America

v.

ENRIQUE BRIVIESCA

Case No.

SA-19-MJ-841-HJB

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October of 2017 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 2250	Failure to Register as a Sex Offender.

PENALTIES: 10 years confinement, \$250,000 fine, life supervised release,
\$100 mandatory special assessment.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.
*Complainant's signature*Nicholas Rose, USMS Senior Inspector
Printed name and title

Sworn to before me and signed in my presence.

Date:

7/24/19City and state: San Antonio, Texas
Judge's signature
HENRY J. BEMPORAD, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT for CRIMINAL COMPLAINT

Affiant Nicholas Rose is a Senior Inspector with the United States Marshals Service in the San Antonio Division. The Affiant has been employed with the United States Marshals Service for approximately sixteen years, and has also been designated as a Sex Offender Investigations Coordinator (SOIC). As a SOIC, the Affiant is responsible for investigating sex offenders moving between states to determine if the offenders are in violation of their registration requirements.

On August 3, 1992, Enrique BRIVIESCA was convicted in Meeker County, Minnesota, of four (4) counts of criminal sexual conduct in the first degree and three (3) counts of criminal sexual conduct in the second degree, in violation of Minnesota Statutes 609.342 1(a); 1(g); 1(h)(v) and 609.343 1(a); 1(g); and 1(h)(v). According to the offense details, BRIVIESCA sexually assaulted an eight (8) year-old girl when he was twenty-two (22) years-old. For this conviction, BRIVIESCA was sentenced to 116 months in prison. This conviction requires BRIVIESCA to register as a sex offender in Minnesota until at least the year 2034 and also requires him to register under SORNA.

After release from prison in Minnesota, BRIVIESCA began registering as a sex offender in the State of Texas in 1998. In Texas, BRIVIESCA was notified he is required to register for life. BRIVIESCA then went back to Minnesota and registered in 1999. BRIVIESCA continued to register in Minnesota annually until February of 2017. BRIVIESCA was informed that he is required to notify authorities of any change of address and is required to register in any state to which he moves. BRIVIESCA signed the forms acknowledging his understanding of his duties.

This Affiant was contacted in June of 2019 by Senior Inspector (SI) Matt Moran out of Minnesota. SI Moran believed BRIVIESCA was in San Antonio, Texas. After registering in Minnesota in February of 2017, BRIVIESCA called the Minnesota registry in October of 2017 to report he was going to be vacationing in Texas for thirty (30) days. The Minnesota sex offender registry sent a letter to his San Antonio address in 2018 to be signed and returned by BRIVIESCA. It was returned to sender and not signed by BRIVIESCA. Law enforcement officials checked his last registered address in Minnesota in early 2018 and found out BRIVIESCA had not been back there since he told Officials he was in Texas. BRIVIESCA was then considered non-compliant and a complaint and warrant were issued for failure to register as a sex offender.

This Affiant contacted the Haven for Hope Homeless Shelter in San Antonio and was told BRIVIESCA first enrolled in their courtyard on January 31, 2018, and his last service there was in May 2019.

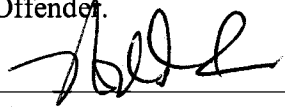
BRIVIESCA has a Facebook page that's currently active. The user name he uses is Enrique El Chon Briviesca. In his posts from the past three (3) to seven (7) months, BRIVIESCA has told followers in his comments that he's in San Antonio. BRIVIESCA posted multiple photos of appliances like refrigerators and stoves from a business named Refrigerator Store located on W. Martin in San Antonio, Texas. This Affiant visited the Refrigerator Store on July 12, 2019 and recognized it as the same location shown in the photos based on the background and other

businesses shown in the photos. This Affiant spoke with BRIVIESCA when at the business. The Affiant did not identify himself as law enforcement. The Affiant spoke to BRIVIESCA about his work skills while BRIVIESCA was working on an air conditioning unit and during the brief conversation, BRIVIESCA told this Affiant he had been working for the owner at that location in San Antonio for about a year.

This Affiant checked the Texas Department of Public Safety's (DPS) Sex Offender Registration website and BRIVIESCA was listed as having registered in Texas in 1998 with no further registrations after that point. This Affiant also confirmed with the San Antonio Police Department and the Bexar County Sheriff's Office that they had not registered or dealt with BRIVIESCA for registration purposes since 1998. BRIVIESCA last registered in Minnesota in February of 2017, and notified them he was vacationing in Texas for thirty (30) days, but did not notify them when he decided to stay in Texas. Also, according to the Texas Department of Public Safety, BRIVIESCA'S convictions in Minnesota are substantially similar to aggravated sexual assault of a child and other offenses in Texas, which requires lifetime registration.

A sex offender is an individual convicted of a sex offense pursuant to 42 U.S.C. § 16911(1). A sex offense is defined, in part, as a criminal offense that has an element involving a sexual act or sexual conduct with another. BRIVIESCA is a sex offender due to his convictions in Meeker County, Minnesota, of four (4) counts of criminal sexual conduct in the first degree and three (3) counts of criminal sexual conduct in the second degree, in violation of Minnesota Statutes 609.342 1(a); 1(g); 1(h)(v) and 609.343 1(a); 1(g); and 1(h)(v). § 16913(a) requires that each sex offender register and keep the registration current, in each jurisdiction where the offender resides, is employed, or is a student. Additionally, for initial registration, the offender must register in the jurisdiction of the conviction. BRIVIESCA is required to register as a sex offender for life in the State of Texas, until at least the year 2034 in Minnesota, and is also required to register under SORNA.

BRIVIESCA traveled from the State of Minnesota to the State of Texas and did not register as a sex offender as required, nor did he notify Minnesota Officials he was moving to Texas. For this reason, this Affiant requests an arrest warrant be issued for Enrique BRIVIESCA for a violation of 18 U.S.C., Section 2250 - Failure to Register as a Sex Offender.



Nicholas Rose
Senior Inspector
United States Marshal Service
W/TX- San Antonio Division

SWORN TO AND SUBSCRIBED BEFORE ME on this 20th day of July, 2019.



HENRY W. BEMPORAD
U.S. MAGISTRATE JUDGE